
JOHN F. MIZNER

Chairman

Erie County Republican Committee

September 30, 2004

MUR # 5556

Lawrence H. Norton, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 OCT -51 A 11:02

Re: Complaint against Porter for Congress (Campaign ID No. C00388637)

Dear Mr. Norton:

Porter for Congress has violated the public communications disclaimer requirements because Steven Porter, who is running in Pennsylvania's 3rd Congressional District as a Democrat, failed to include the proper disclaimers in his radio advertisements. As you can see from the attached transcript and audio file, the disclaimer fails to state that the candidate "approved" the ad and it does not include the "paid for" disclaimer in the advertisement.

The law is clear; the radio disclaimer "must include an audio statement by the candidate that identifies the candidate and states that the he or she has **approved** the communication." (Emphasis added.) 11 C.F.R. § 110.11(c)(3)(i). Porter for Congress failed to include an audio statement that states that the candidate "approved the message." Instead, Steve Porter says that he "endorses this message." Candidates are endorsed, political advertisements are approved. Clearly, Porter for Congress failed to meet this basic legal requirement.

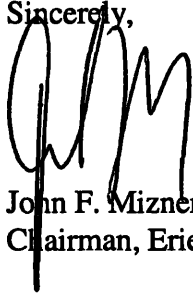
Porter for Congress also failed to include the "paid for" disclaimer. This disclaimer is required by 11 C.F.R. § 110.11(b)(1), which states "[i]f the communication...is paid for and authorized by the candidate...the disclaimer must clearly state that the communication has **been paid for by the authorized political committee.**" (Emphasis added.) Similarly, the Federal Communications Commission also requires political radio ads to include a "paid for" statement. See 47 C.F.R. § 73.1212.

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It is clear based on the law and the facts that the Federal Election Commission should fine Porter for Congress for failing to satisfy the disclaimer requirements as required by federal law.

For future correspondence, my mailing address is 100 State Street, Suite 700, Erie, PA 16507.

Sincerely,

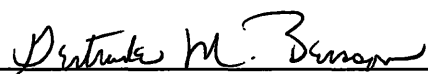


John F. Mizner
Chairman, Erie County Republican Committee

JFM/kgf
Enclosures as stated.

[COUNTY], Pennsylvania

SWORN TO AND SUBSCRIBED before me on this 30th day of September, 2004.


Notary Public

My commission expires:

Notarial Seal Gertrude M. Benson, Notary Public City of Erie, Erie County My Commission Expires Dec. 29, 2005
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Porter Radio Ad 2 Script

Announcer: "Dr. Steven Porter, Democrat for Congress."

Porter: "Because Phil English can not run on his failed record as a Congressman, because he hasn't the courage to face me in our two remaining debates, he has resorted to smear tactics to spread absolute lies about me and the books I've written. He is doing this to divert your attention from the real issues which are my passions. He is afraid to debate me because he doesn't want you to know that he voted against the database to track sex offenders, child molesters, and drug addicts who prey on helpless women. My mother was one of these victims. That he voted against veterans, senior citizens, healthcare and jobs. And he doesn't want you to know that he is a major contributor to the U.S. Senate campaign of Tom Coburn, a physician who actually performed an illegal sterilization and is believed to have defrauded Medicaid. In Congress I'll stand up for our kids, our seniors, and all victims of crime. It's about time we had a representative who did."

Announcer: "Dr. Steven Porter for Congress. This time, vote as though your future depends on it – because it does. Phil English had his chance and failed us."

Porter: "I'm Steve Porter and I'm proud to endorse this message."

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